

# United States Marshals Service Return

Case No.: Civil 97-1816(JAF)

I, Pedro A. Velez Baerga, a duly sworn and authorized Deputy U.S. Marshal, does hereby certify and state, that I offered for sale in Public Auction, the property described in the Order/Notice of Sale or Writ of execution attached hereto and made part of this return as ordered by the United States District Court.

Also, that said Notice of Sale was published as required and is supported by the accompanying Affidavit of Publication. Further, that the sale began at the hour of 11:00 am on the 9th day of February, 2006, at the Marshals Office, Bayamon Superior Court, Bayamon, P.R.; when I offered for sale said property in Public Auction and that I received from Mr. Geriberto Lecusay in representation of B.L. Investment Inc., an offer in the amount of \$80,000.00. Such amount was offered as the highest bid and that being the highest bid received, the sale was awarded to him.

Marshal's fees, indicated below, will be deducted from the case deposit on hand or the proceeds of the sale, whichever is deemed appropriate, after confirmed by the Court.

## U.S. MARSHAL'S FEES

Highest Bid	\$80,000.00
3% OF 1 <sup>ST</sup> \$1,000.00	\$30.00
1 ½ % of remaining balance	\$1,185.00
Execution of sale fee (2 hours X \$45.00)	\$90.00
Total Mileage (including endeavors) @ \$0.445	\$7.12
Tolls (including endeavors)	\$1.00
Other Expenses	\$ 20. <sup>00</sup>
Total	\$ 1,333. <sup>12</sup>

This at San Juan, Puerto Rico on February 9, 2006

HERMAN J WIRSHING  
United States Marshal

By:   
Deputy U.S. Marshal

**UNITED STATES MARSHALS SERVICE**  
**JUDICIAL DISTRICT OF PUERTO RICO****JUDICIAL SALE - AUCTION RECORD**Case Title: USA vs. Gregorio Pratts Agonde, et alDate: 02/09/2006At: Superior Court, Bayamón, PRNotice of sale: ( ) Read ( ☒ ) Reading waivedNumber: Civil: 97-1816(JAF)Time: 11:00 AM (PM)Sale: (S) (2<sup>ND</sup>) (3<sup>RD</sup>)

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**RECORD OF ATTENDANCE**

Name (Printed)	Signature	Telephone	Address
1) USDA. Rural Dev. - Morovis <i>Maria A. Jimenez</i>	<i>Maria A. Jimenez</i>	859-2850 <del>859-3204</del>	USDA. Rural Development Morovis, P.R.
2) Yamil MARTINEZ	<i>Yamil Martinez</i>	615-2330	Morovis
3) Benjamin Mendez	<i>B. Mendez</i>	726-0363	Bayamón
4) E. Rivera / Rep. <i>Jorge Santiago</i>	<i>J.S.R.</i>	250-0200	San Juan PR
5) <i>Jose Rivera</i>	<i>Jose Rivera</i>	633-0407	San Juan P.R.
6) Geriberto Lecusay B.L.	<i>Geriberto</i>	253-9532	Carlin
7) Wilson Bertin	<i>Wilson</i>	704-7374	S.D.
8) Esther V. Hanane	<i>Esther Hanane</i>	646-4804	Guayama
9)			
10)			

**Record of Bidding**Minimum Bid: \$ 38,580.00

(1) \$58,200.00	(6) \$70,000.00	(5) \$74,500.00	(6) \$80,000.00
(6) \$60,000.00	(5) \$70,500.00	(6) \$76,000.00	( ) \$
(5) \$61,000.00	(6) \$72,000.00	(5) \$76,500.00	( ) \$
(6) \$65,000.00	(5) \$72,500.00	(6) \$78,000.00	( ) \$
(5) \$65,500.00	(6) \$74,000.00	(5) \$78,200.00	( ) \$

Highest Bid Received: \$ 86,000.00 By: Geriberto Lecusay Rep. B.L. Investment Inc**Marshal's Expenses**

Service Fee	\$45@hourly	\$	<u>90.00</u>
Mileage	44.5 cents	\$	<u>7.12</u>
Tolls		\$	<u>1.00</u>
Other	Parking, etc.	\$	
Total		\$	<u>98.12</u>

By: [Signature]  
Deputy U.S. Marshal

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF PUERTO RICO**

**CIVIL NUMBER : 97-1816 (JAF)**

**UNITED STATES OF AMERICA (RURAL DEVELOPMENT)**

**VS**

**GREGORIO PRATTS-APONTE, ET/AL**

**FORECLOSURE OF MORTGAGE**

**A F F I D A V I T**

I, Marilisa Román, of legal age, married, employee and resident of Carolina, Puerto Rico, do solemnly swear:

That my name is the above mentioned and my personal circumstances are those as stated. That I am an Employee, of "EL NUEVO DIA", newspaper of General Circulation in the Island of Puerto Rico, and that position in Advertising and Legal Notice Department Supervisor and I am in charge of the advertisement.

I also declare that in the edition of this newspaper corresponding

**DECEMBER 28, 2005 & JANUARY 4, 11, 18, 2006**

an advertisement was published that deals with the following:

**HERMAN J. WIRSHING, U.S. MARSHAL,**

**BY: ROBERTO SCHMIDT, LT**

In witness whereof and upon request of those concerned, I swear to and sign the present in Guaynabo, P.R. this JAN 18 2006 day of \_\_\_\_\_, 20\_\_\_\_.

Marilisa Román

Affidavit No. 52,416

Acknowledged and sworn to before me by Marilisa Román and resident of Carolina, Puerto Rico, whom I know personally.



Guaynabo, P.R. JAN 18 2006 20\_\_\_\_

[Signature]  
NOTARY PUBLIC

United States District Court for the District of Puerto Rico, United States of America (Rural Apone, Bivian, Negron-Quinones, Prats-Aponte, and the conjoined partnership constituted by both Defendant, Prats-Aponte, Bivian, Negron-Quinones, and the conjoined partnership constituted by both, and any other party with interest over the property mentioned below. Whereas Judgment in favor of the United States of America of \$36,077.22 plus capital aggregate amount of \$36,077.22 plus \$2,300.51 in interest accrued as of January 24, 1997, plus 10.6075% per day from then on until payment in full, plus attorney's fees and costs plus any charge, fee, cost or disbursement that may have been incurred by plaintiff according to the terms of the promissory note or mortgage loan being foreclosed. The records of the case and of these proceedings may be examined by interested parties at the Office of the Clerk of the United States District Court, Federal Building, Chardon Avenue, Hato Rey, Puerto Rico. Whereas Pursuant to the terms of the aforementioned judgment and the order of execution thereof, the following property belonging to the defendant will be sold at public auction: Solar ubicado en la Urbanización La Esperanza localizada en el Barrio Espinosa del Municipio de Vega Alta, Puerto Rico, que se describe en el plano de inscripción de la Urbanización con el número, área y coincidencias "L de la relación a continuación: Cuadrantes Solar, Seale (7) De La Manzana "L de la Urbanización, Área del Solar: Cuadrantes Cuarenta y ocho metros cuadrados (348.00m.c.) en lindes por el Norte con la Calle Número Once (11) en una distancia de doce metros (12.00) por el Sur con los solares Número Quince (15) y Dieciséis (16) en una distancia de doce metros (12.00) por el Este con el Solar Número Ocho (8) en una distancia de veintinueve metros (29.00) por el Oeste con el Solar Número Ocho (8) en una distancia de veintinueve metros (29.00). Enclava en dicho solar una estructura de concreto para fines residenciales. Planteles: morongo is recorded at page 17, volume 156 of Vega Alta, property number 8014 B, 2nd Inscription, Section III, Puerto Rico. Whereas: This property is subject to the following liens: None. Potential bid-der's are advised to verify the extent of preferential liens with the holders thereof. It shall be understood that each bidder accepts as sufficient to the one using foregoing liens: None. Other Liens: None. The property is subject to the extent of any property tax liens (express, tacit, implied or legal) shall continue in effect being understood that the successful bidder shall be responsible for the same and that the bid price shall not be applied toward the cancellation of the same. Should the first bid agreed upon by the parties in the minimum bid of the first judicial sale, if the same is unsuccessful, then the minimum bid for the property on the second judicial sale will be two-thirds of the amount of the minimum bid for the first judicial sale. The minimum bid for the first judicial sale, if the same is unsuccessful, will be one-half of the above-mentioned mortgage debt. (30 L.P.R.A. Act No. 189, Article 221, as amended). Whereas: Said sale to be made by the United States Marshal is subject to confirmation by the United States District Court for the District of Puerto Rico and the deed of conveyance and possession of the property will be executed and delivered only after such confirmation. Now Therefore, public notice is hereby given that the United States Marshal, pursuant to the provisions of the judgment hereinbefore referred to will, on the 21st day of February, 2006 at 11:00 a.m. of said day in the Office of the Marshal for the Superior Court of Puerto Rico, Bayamón, Puerto Rico, in Centro Judicial, Carr. #2, Km. 11.3 Esq. Estaban Padilla, Bayamón, Puerto Rico, in accordance with 28 U.S.C. 2007, will sell at public auction in the manner and form provided by the said judgment property described herein, the proceeds of said sale to be applied in the payment of the first judicial sale set hereinabove. Should the property described in the Notice above be unsuccessful in the second judicial sale of the property described in the Notice, the third judicial sale of the property described in the Notice will be held on the 16th day of February, 2006 at 11:00 a.m. of said day in the Office of the Marshal of this Court located at the address indicated above. Should the second judicial sale set hereinabove be unsuccessful, the third judicial sale of the property described in the Notice will be held on the 23rd day of February, 2006 at 11:00 a.m. of said day in San Juan, Puerto Rico, this 16th day of December, 2005. Herman J. Wirsching, United States Marshal. By: Roberto Schmidt, Legal Technician.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
(Rural Development)  
Plaintiff

v.

GREGORIO PRATTS-APONTE, BYVIAN  
NEGRON-QUINONES, and the  
conjugal partnership constituted  
by both  
Defendant

CIVIL NO. 97-1816 (JAF)

FORECLOSURE OF MORTGAGE

RECEIVED  
UNITED STATES  
MARSHAL  
Nov 2 3 54 PM '05  
DISTRICT OF  
PUERTO RICO

NOTICE OF SALE

To: GREGORIO PRATTS-APONTE, BYVIAN NEGRON-QUINONES, and the  
conjugal partnership constituted by both, and any other party  
with interest over the property mentioned below.

WHEREAS: Judgment in favor of the United States of America  
for the principal aggregate amount of \$36,017.22 plus \$2,806.51 in  
interest accrued as of January 24, 1997, plus 10.6078% per day from  
then on until payment in full, plus attorney's fees and costs, plus  
any charge, fee, cost or disbursement that may have been incurred  
by plaintiff according to the terms of the promissory note or  
mortgage loan being foreclosed.

The records of the case and of these proceedings may be  
examined by interested parties at the Office of the Clerk of the  
United States District Court, Federal Building, Chardón Avenue,  
Hato Rey, Puerto Rico.

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WHEREAS: Pursuant to the terms of the aforementioned judgment and the order of execution thereof, the following property belonging to the defendant will be sold at public auction:

SOLAR: radicado en la URBANIZACION LA ESPERANZA localizado en el Barrio Espinosa del Municipio de Vega Alta, Puerto Rico, que se describe en el piano de inscripcion de la Urbanizacion, con el numero, area y colindancias que se relacionan a continuacion:

NUMERO DEL SOLAR: SIETE (7) DE LA MANZANA "L" de la Urbanizacion.

AREA DEL SOLAR: TRESCIENTOS CUARENTIOCHO METROS CUADRADOS (348.00m.c.), en lindes por el NORTE: con la Calle Numero Once (11) en una distancia de doce metros (12.00); por el SUR: con los solares Numero Quince (15) y Dieciseis (16) en una distancia de doce metros (12.00); por el ESTE: con el Solar Numero Seis (6) en una distancia de veintinueve metros (29.00); por el OESTE: con el Solar Numero Ocho (8) en una distancia de veintinueve metros (29.00).

Enclava en dicho solar una estructura de concreto para fines residenciales.

Plaintiffs' mortgage is recorded at page 17, volume 156 of Vega Alta, property number 8014 Bis, 2nd inscription, at the Registry of Property of Bayamon, Section III, Puerto Rico.

WHEREAS: This property is subject to the following liens:

Senior Liens: None

Junior Liens: None

Other Liens:

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Potential bidders are advised to verify the extent of preferential liens with the holders thereof. It shall be understood that each bidder accepts as sufficient the title and that prior and preferential liens to the one being foreclosed upon, including but not limited to any property tax liens (express, tacit, implied or legal), shall continue in effect it being understood further that the successful bidder accepts them and is subrogated in the responsibility for the same and that the bid price shall not be applied toward their cancellation.

WHEREAS: For the purpose of the first judicial sale, the minimum bid agreed upon by the parties in the mortgage deed will be \$38,580.00 and no lower offer will be accepted. Should the first judicial sale of the above described property be unsuccessful, then the minimum bid for the property on the second judicial sale will be two-thirds the amount of the minimum bid for the first judicial sale. The minimum bid for a third judicial sale, if the same is necessary, will be one-half of the minimum bid agreed upon the parties in the aforementioned mortgage deed. (30 LPRA 2721, Mortgage and Property Registry Act, Act. No. 198, Article 221, as amended).

WHEREAS: Said sale to be made by the United States Marshal is subject to confirmation by the United States District Court for the District of Puerto Rico and the deed of conveyance and possession

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to the property will be executed and delivered only after such confirmation.

NOW THEREFORE, public notice is hereby given that the United States Marshal, pursuant to the provisions of the Judgment hereinbefore referred to will, on the 9<sup>th</sup> day of **February, 2006** at **11:00 a.m.** of said day, in the Office of the Marshal for the Superior Court of Puerto Rico, Bayamón Part, located at Centro Judicial, Carr. #2, Km. 11.3 Esq. Esteban Padilla, Bayamón , Puerto Rico, in accordance with 28 U.S.C. 2001, will sell at public auction to the highest bidder, the property described herein, the proceeds of said sale to be applied in the manner and form provided by the said judgment:

Should the first judicial sale set hereinabove be unsuccessful, the second judicial sale of the property described in this Notice will be held on the 16<sup>th</sup> day of **February, 2006** at **11:00 a.m.** of said day, in the Office of the Marshal of this Court located at the address indicated above. Should the second judicial sale set hereinabove be unsuccessful, the third judicial sale of the property described in this Notice will be held on the 23<sup>rd</sup> day



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of **February, 2006** at **11:00 a.m.** of said day, in the Office of the  
Marshal of this Court located at the address indicated above.

In San Juan, Puerto Rico, this 16<sup>th</sup> day of December, 2005.

HERMAN U. WIRSHING  
United States Marshal

By: \_\_\_\_\_

  
Roberto Schmidt  
Legal Technician

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
(Rural Development)  
Plaintiff

v.

GREGORIO PRATTS-APONTS, BYVIAN  
NEGRON-QUINONES, and the  
conjugal partnership constituted  
by both  
Defendant

CIVIL NO. 97-1816(JAF)

FORECLOSURE OF MORTGAGE

RECEIVED  
UNITED STATES  
MARSHAL  
NOV 2 3 54 PM '05  
DISTRICT OF  
PUERTO RICO

NEW WRIT OF EXECUTION OF JUDGMENT

TO THE MARSHAL OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

GREETINGS:

WHEREAS, the Honorable Jose A. Fuste, United  
States District Judge, has issued an order in this case dated  
Jaunary 5, 1998 which copied literally, reads as follows:

ORDER FOR EXECUTION OF JUDGMENT

Upon motion filed by plaintiff herein, and it appearing from  
the records of this Court in the above mentioned case that the  
defendant referred to in the judgment entered by this Court was  
duly summoned and said defendant<sup>ve</sup> has failed to pay to the plaintiff  
the sums of money adjudged to be paid under said judgment: #G.

And it appearing further that more than ten (10) days have  
elapsed from the entry of Judgment:

NOW, THEREFORE, the Court hereby orders the United States  
Marshal for this District to proceed forthwith and to sell at  
public auction to the highest bidder, the property referred to in  
said judgment and described herein below in the manner and form  
provided in said judgment and as herein further provided:

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SOLAR: radicado en la URBANIZACION LA ESPERANZA localizado en el Barrio Espinosa del Municipio de Vega Alta, Puerto Rico, que se describe en el piano de inscripcion de la Urbanizacion, con el numero, area y colindancias que se relacionan a continuacion:

NUMERO DEL SOLAR: SIETE (7) DE LA MANZANA "L" de la Urbanizacion.

AREA DEL SOLAR: TRESCIENTOS CUARENTIOCHO METROS CUADRADOS (348.00m.c.), en lindes por el NORTE: con la Calle Numero Once (11) en una distancia de doce metros (12.00); por el SUR: con los solares Numero Quince (15) y Dieciseis (16) en una distancia de doce metros (12.00); por el ESTE: con el Solar Numero Seis (6) en una distancia de veintinueve metros (29.00); por el OESTE: con el Solar Numero Ocho (8) en una distancia de veintinueve metros (29.00).

Enclava en dicho solar una estructura de concreto para fines residenciales.

Plaintiffs' mortgage is recorded at page 17, volume 156 of Vega Alta, property number 8014 Bis, 2nd inscription, at the Registry of Property of Bayamón, Section III, Puerto Rico

a) Said public sale shall be had at the office of the Marshal for Superior Court of Puerto Rico, Bayamón Part, in accordance with 28 U.S.C. 2001.

b) Notice of Sale shall be published once a week for at least four (4) weeks prior to the sale in at least one newspaper of general circulation in accordance with 28 U.S.C. 2002.

c) The amount of \$38,580.00 shall serve as the minimum bid for the first public sale. Should the first public sale fail to procure an award or adjudication, two-thirds of the aforementioned amount shall serve as the minimum bid for the second sale. Should there be no award or adjudication at the second public sale, the basis for the third sale shall be one-half of the amount specified as the minimum bid for the first public sale.

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Should there be no award or adjudication in this public sale the same may be awarded to the creditor for the entire amount of the debt if this is equal to or less than the amount of the minimum bid of the third auction, and crediting this amount to the amount owed if it is more.

d) The United States Marshal shall not accept in payment of the property to be sold anything but United States currency or certified checks in his name, except in case the property is sold and adjudicated to the plaintiff, in which case the amount of the bid made by said plaintiff shall be credited and deducted from its credit; said plaintiff being bound to pay in cash or certified check only any excess of its bid over the secured indebtedness when remaining unsatisfied.

e) All junior lienholders shall pay in cash or in certified check the total amount of previous liens, and any sum in excess of said previous liens shall be credited to their respective liens.

f) The United States Marshal may, either personally or by some person designated by him to act in his name and his authority, adjourn the sale from time to time, without further publication, but only by order of this Court.

g) Upon the confirmation of said sale by this Court the United States Marshal shall execute and deliver a deed of conveyance of the property sold to the purchaser thereof.

h) The purchaser shall be entitled to the delivery of the property sold and its physical possession and the United States Marshal may deliver said possession through the eviction of the occupant of the property without the need of any further order, in accordance with law.

i) The Property Registrar of the corresponding Property Registry of Puerto Rico shall proceed to the recording of the judicial sale deed in favor of the purchaser, free of any liens subsequent to the date of the execution of the foreclosed mortgage.

SO ORDERED in San Juan, Puerto Rico, this 5<sup>th</sup> day of  
January, XXXXX 1998.

(s) Jose A. Fuste  
UNITED STATES DISTRICT JUDGE"

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THEREFORE, you as said Marshal of the United States District Court for the District of Puerto Rico are hereby ordered to proceed by virtue of this New Writ of Execution and in compliance with the order copied above, according to law, in order to execute the judgment entered in this case against the defendant.

In San Juan, Puerto Rico, this 24th day of October , 2005.

FRANCES RIOS DE MORAN, Clerk  
United States District Court  
For The District of Puerto Rico

By:

  
Deputy Clerk